

EXHIBIT 250

UNDER PROTECTIVE ORDER

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,
Plaintiffs,

Civil Action No.

vs.

4:20-cv-00957-SJD

GOOGLE, LLC,

Defendant.

_____ /

Collins Building
107 W. Gaines Street
Tallahassee, FL 32399
April 22, 2024
9:44 a.m. - 5:30 p.m. EDT

DEPOSITION OF ANDREW BUTLER

Taken on behalf of the Defendant before
Alice J. Teslicko, Registered Merit Reporter, and
Notary Public in and for the State of Florida at
Large, pursuant to a Notice of Taking 30(b)(6)
Deposition in the above cause.

Job No. CS6654550

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4 and the Deponent:

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23 Also Present: Gabe Dunlap - Videographer

24 - - -
25

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1 Q So outside of Mr. Gordon's testimony --
2 strike that. Let me rephrase that question.

3 You intend to rely on Mr. Gordon's testimony
4 with respect to the irreparable harm alleged for the
5 injunction being sought under Federal antitrust
6 statutes?

7 A I mean, you're asking me what we intend to
8 rely on? Is that what the question is?

9 Q I can reframe the question.

10 A Okay.

11 Q What irreparable harm does the State of
12 Florida allege an injunction is necessary to prevent
13 under Federal antitrust law?

14 A So the harms are laid out extensively in the
15 interrogatory responses. Those are the harms
16 generally across the nationwide market that are common
17 to the Plaintiff States.

18 With respect to Florida, there is that
19 general harm. There is our additional facts, such as
20 the number of natural persons and the number of
21 businesses doing business in our state. And expert
22 discovery is ongoing, which may provide additional
23 details as to the precise numbers.

24 Q And specific to the State of Florida, what
25 is the irreparable harm to natural persons alleged as

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1 the basis for injunctive relief under Federal
2 antitrust law?

3 A The harm that the Plaintiff States generally
4 allege flows to consumers in the nationwide market.
5 That effect being felt by the 22 million natural
6 persons in Florida is our factual basis for that.

7 Q And when you say "felt by the 22 million,"
8 what do you mean?

9 A Affected by negatively Google's monopolistic
10 conduct and deceptive conduct.

11 Q I'm trying to understand. Focusing on the
12 22 million individuals you identified, why wouldn't
13 monetary relief be adequate to compensate for the harm
14 alleged by the Plaintiff States in this case?

15 MR. PALMER: Objection. I think this is
16 work product. If you can answer it without
17 referring to work product, go ahead.

18 A I don't think I can answer that question
19 without referring to work product.

20 Q What is the factual basis for Florida's
21 assertion that individual -- that 22 million
22 individuals in the State of Florida suffered
23 irreparable harm as a result of Google's alleged
24 conduct?

25 A So the factual bases underlying those

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1 effects on the nationwide market and then those
2 effects being demonstrated inside of Florida, which
3 could be the subject of expert opinion. Experts
4 quantify and measure harm.

5 Q You also mentioned that there were certain
6 businesses within the State of Florida who you allege
7 experienced irreparable harm as a result of Google's
8 alleged conduct; is that right?

9 A That's correct.

10 Q What businesses are you referencing?

11 A So the Florida Department of State has three
12 and a half million active registrations for
13 businesses. Google's transactional data can
14 demonstrate which of the affected businesses. Those
15 might be in the State. And expert testimony and
16 reports are ongoing.

17 Q I'm trying to understand. With respect to
18 those three and a half million businesses that are
19 identified by the Florida Department of State, what
20 are the facts underlying Florida's claim that those
21 businesses have suffered irreparable harm because of
22 Google's alleged conduct?

23 A So the harm to the markets that they
24 participate in is common to all of the Plaintiff
25 States and so that harm, questions surrounding that,

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1 I'd refer to the other witness.

2 But there are three and a half million
3 businesses in the State of Florida. Advertising is
4 important to all businesses. The internet is
5 ubiquitous. And the specifics of the harm caused by
6 Google's conduct could be a matter of expert discovery
7 that is ongoing.

8 Q So you can't point to any specific evidence
9 that advertisers or publishers within the State of
10 Florida were harmed by Google's alleged conduct?

11 MR. PALMER: Objection to form.

12 MR. ISTRAIL: Objection to form.

13 A That's not what I said. That evidence,
14 I believe is -- so you take the evidence demonstrating
15 that there's harm in the nationwide market that all of
16 these people are participating in.

17 They're Florida businesses, they're small
18 businesses, they're a peer in the State. They're
19 participating in a market that's been monopolized.
20 They're experiencing the harms just like everyone else
21 in the nationwide market.

22 But those harms are specific to us in
23 Florida because they're our businesses. They're doing
24 business with our citizens. They are our citizens
25 running it, and expert testimony will quantify where

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1 and to what extent and how all of these harms occur.

2 Q And can you name specific businesses that
3 were harmed in the State of Florida by Google's
4 alleged conduct?

5 MR. PALMER: Objection to form.

6 A The Florida Office of the Attorney General
7 is not the law firm for any specific individual
8 business.

9 Q So I understand that you're not representing
10 any individual business as an attorney in this
11 matter. What I'm asking is if you can name any
12 specific businesses within the State of Florida who
13 are harmed by Google's alleged conduct.

14 MR. PALMER: Objection as to form.

15 A I believe that Google's data will
16 demonstrate individual businesses in the State of
17 Florida. But sitting here today, other than maybe the
18 businesses that have complained about Google and the
19 complaints that we produced, I don't have a specific
20 business for you today.

21 Q So I understand you intend to rely on
22 documents produced after this case was filed, but --

23 MR. PALMER: Objection as to form.

24 BY MS. SYED:

25 Q There was a complaint filed before those

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1 irreparable harm Florida is claiming under its
2 antitrust claims is the same as the irreparable harm
3 it's alleging with respect to its DTPA claim?

4 MR. PALMER: Objection as to form.

5 A I think that I specified that those two
6 things are separate. So that I believe that the facts
7 underlying the alleged wrongdoing inform the facts
8 that demonstrate the necessity to fix the harm caused
9 by the wrongdoing, and in that respect those are two
10 separate things, as I stated earlier.

11 Q So I understand there are separate statutes.
12 There's a separate State antitrust statute, there's a
13 separate Federal antitrust statute, and there's a
14 separate State DTPA statute, correct?

15 A Correct.

16 Q And it's your testimony today -- strike
17 that.

18 How is the irreparable harm you're alleging
19 with respect to your DTPA claim different from the
20 irreparable harm you're alleging with respect to your
21 antitrust claims?

22 MR. PALMER: Objection as to form.

23 A So like I explained earlier, antitrust
24 claims establishing a violation also establishes a
25 violation under the DTPA. In that narrow respect, the

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1 irreparable harm for the DTPA is the same as the
2 antitrust act.

3 But the DTPA also includes additional harms
4 caused by false and misleading omissions and
5 statements, and to the extent that the irreparable
6 harm is caused by those false, misleading statements
7 and you know, unconscionable practices, it is separate
8 and different, and that is the distinction I'm making.

9 I hope that's helpful.

10 Q So what are those additional harms that are
11 specific to your Florida DTPA claim?

12 MR. PALMER: Objection as to form.

13 A So the harms specific to Florida with
14 respect to the DTPA claim are -- so the facts
15 underlying that harm are the facts underlying the
16 Plaintiff States' claims generally that this market
17 suffered these harms, and then facts that Floridians
18 participated and Florida businesses participated in
19 that market, as well as expert discovery, etc.

20 Q So the only Florida-specific fact you can
21 identify supporting your claim of irreparable harm
22 under the DTPA is that Floridians participated in the
23 general market; is that right?

24 MR. PALMER: Objection as to form.

25 A I believe the facts underlying the harm

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1 specific to Florida is that we have 22 million people
2 participating, with ubiquitous use of internet, three
3 and a half million businesses participating. And I
4 believe that expert testimony can go a long way in
5 elucidating and quantifying this, rather than me
6 pontificating about it.

7 Q And is it your testimony today that all
8 22 million individuals in Florida you identified
9 suffered irreparable harm under the DTPA because of
10 the conduct you've alleged?

11 MR. PALMER: Objection as to form.

12 A Not necessarily, but that's a question for
13 the experts.

14 Q When you say "not necessarily," why not
15 necessarily?

16 A Because I believe that quantifying and
17 measuring proportions and amounts of harm is not
18 information reasonably available to me as a witness,
19 because it's above anyone's head. It's expert
20 witness.

21 Q So just to clarify, I'm not asking you to
22 quantify, you know, the total harm at this moment.
23 I'm trying to understand the facts you're alleging
24 that support your claim for irreparable harm under the
25 DTPA.

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1 MR. PALMER: Is that a question?

2 BY MS. SYED:

3 Q And so I believe when asked what separate
4 harms you alleged under the State -- under the
5 antitrust laws versus the State DTPA, you stated that
6 there were facts underlying Florida specifically,
7 including 22 million ubiquitous internet users and
8 3.5 million businesses in the State.

9 MR. PALMER: Objection as to form.

10 Q I'm trying to understand. What is your
11 basis for alleging that those individuals or
12 businesses in the State of Florida experienced
13 irreparable harm because of the conduct you've alleged
14 under your state DTPA?

15 MR. PALMER: I think we're getting into the
16 area of attorney work product. But if you can
17 answer it without reference to that, go ahead.

18 A Besides my knowledge and training as an
19 antitrust attorney, expert witnesses are designed
20 specifically to give such testimony regarding harm.
21 It's a matter of economics.

22 If you're looking for data, the economists
23 will have to determine what data they're using, etc.

24 Q So I understand that the States -- I
25 understand that expert discovery will be done in this

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CERTIFICATE OF OATH

I, Alice J. Teslicko, RMR, a Notary Public
for the State of Florida at large, do hereby
certify that the witness, Andrew Butler, appeared
personally before me and was duly sworn.

Signed and sealed this 23rd day of April,
2024.



Alice J. Teslicko, RMR

Commission No. HH300672

My Commission Expires:

December 14, 2026

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CERTIFICATE

STATE OF FLORIDA)
) ss.
COUNTY OF NASSAU)

I, ALICE TESLICKO, RMR, a Registered Merit Reporter and Notary Public for the State of Florida at Large, do hereby certify that I reported the deposition of Andrew Butler, a witness called by the Defendant in the above-styled cause; and that the foregoing pages constitute a true and correct transcription of my shorthand report of the deposition of said witness.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of counsel connected with the action, nor financially interested in the action.

WITNESS my hand and official seal in the City of Fernandina Beach, County of Nassau, State of Florida, this 23rd day of April, 2024.



Alice J. Teslicko, RMR

My commission expires:
December 14, 2026
Commission No. HH300672